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10/808,375	03/25/2004	Kenichi Takahashi	018775-898	4728

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ALEXANDRIA, VA 22313-1404

EXAMINER
WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
10/30/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 July 2008</u>.

2a) ☒ This action is **FINAL**.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-9</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-9</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>26 March 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☒ All　b) ☐ Some *　c) ☐ None of:

　　　　1. ☒ Certified copies of the priority documents have been received.

　　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/05; 03/25/04</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 07/02/2008 have been fully considered but they are
not persuasive.

Regarding claims 1-9, Applicant alleged that the combination of Morimoto (USP
6,944,358), in view Beek et al. (USP 2002/0091665) fails to show or suggest the
claimed invention of claims 1, 4, 8 and 9 respectively. In response, the Examiner
respectfully disagrees because the test for obviousness is not whether the features of a
secondary reference may be bodily incorporated into the structure of the primary
reference; nor is it that the claimed invention must be expressly suggested in any one or
all of the references. Rather, the test is what the combined teachings of the references
would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d
413, 208 USPQ 871 (CCPA 1981). In this case, the Examiner asserts that the
combination of Morimoto (USP 6,944,358), in view Beek et al. (USP 2002/0091665)
when considered as a whole clearly teaches the claimed invention as specifically
disclosed in claims 1, 4, 8 and 9, are well-known in the art at the time of the invention
was made.

In particular, Beck '665' clearly suggested using JPEG2000 file format similarly
used or intended to having image description format for rendering of an image between
plurality of image processing system which performs in color image transmission (co1.1,
paragraph 0014, lines 16-20).

In view of the above, having the system of morimoto '385' and then given the well established teaching of Beck '665', the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the imaging apparatus of Morimoto (358), by the teaching of Beek '665', and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image processing and coding of digital device can be similarly employed to accomplish this desired result without depending from the teaching of the present invention, for the purpose of providing the ability to progressively access the encoded image in a smooth continuous fashion with having to download, decode, and/or print the entire file, as suggested by Beek '665, in co1.1, paragraph 0005).

Further, regarding applicant's arguments discussed in page 2, lines 17-22, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a file in which the red colored regions are invisible, is generated for destination A. A file in which yellow colored region is invisible, is generated for destination and a file in which a blue colored region is invisible, is generated for destination when the images are acquired by the respective destinations, each will have respective invisible regions), are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims

present in view of the state of the art disclosed by the references cited or the objections

made. Further, they do not show how the amendments avoid such references or

objections.

Further more, Applicant's arguments fail to comply with 37 CFR 1.111(b)

because they amount to a general allegation that the claims define a patentable

invention without specifically pointing out how the language of the claims patentably

distinguishes them from the references.

Finally, for the above reasons, the Examiner asserts that the combination of

above discussed prior arts does in fact show or teaches the claimed invention is known

to ordinary skilled in the art at the time of the invention was made thus, the rejections

are maintained as fallows:

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Morimoto et al. (USP 6,994, 4358), in view Beek et al. (USP 2002/0091665).

With respect to claim 1, Morimotot et al. discloses or teaches an image

processing system which can code image data, form a JPEG2000 file, and transmit the

JPEG2000 file to a plurality of destinations, (a digital camera comprises a image

processing system 13 of fig 1, JPEG processing part 25 as shown in fig 1) comprising: a

relator which relates a plurality of regions preset in the image data to destinations

(image combining means 31 of fig 2, col.6, lines20-25); a replacer (CPU 27 of fig 2),

which replaces code data constituting one of regions corresponding to the destinations

or the other regions with code data which make pieces of information included in the

regions invisible in the JPEG2000 file transmitted to the destinations (col.5, lines 65

through col.6, lines 1-5); and a transmitter (DMA controller 24 of fig 1, controllers data

transfer between processor circuit 13 and main memory 26, col.5, lines 65 through

col.6, lines 1-5) which transmits the JPEG2000 file processed by the replacer to the

destinations (col.5, lines 5, lines 65, and col.6, lines 1-5).

However, Morimoto (358), dose not specifically teach using JPEG2000 file

format. But, Beek '665' in the same area of image data accessing and processing

teaches using JPEG2000 file format similarly used or intended to having image

description format for rendering of an image between plurality of image processing

system (co1.1, paragraph 0014, lines 16-20).

Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified the imaging apparatus of Morimoto

(358), by the teaching of Beck '665', and therefore, it should be clear to one skilled in

the art that anyone of a wide variety of image processing and coding of digital device

can be similarly employed to accomplish this desired result without depending from the

teaching of the present invention, for the purpose of providing the ability to progressively

access the encoded image in a smooth continuous fashion with having to download, decode, and/or print the entire file, as suggested by Beek '665, in co1.1, paragraph OOO5).

With respect to claim 2, Morimotot '358' discloses digital camera comprises a image processing system 13 of fig 1, JPEG processing part 25 as shown in fig 1), wherein different color components are added to the regions preset in the image data, respectively, and the image processing system (still camera 100 of fig 10) comprises a color component detector which detects the color components to recognize the regions (col.2, lines 10-15).

With respect to claim 3, Morimotot '358' discloses digital camera comprises a image processing system 13 of fig 1, JPEG processing part 25 as shown in fig 1), which are common to the plurality of destinations, are simultaneously transmitted, and only different code data is transmitted to the destinations (co1.1, paragraph 0014, lines 16-2O).

However, Morimoto (358), dose not specifically teaches wherein the code data in the JPEG2000 file. But, Beek '665' in the same area of image data accessing and processing teaches using JPEG2000 file format similarly used or intended to having image description format for rendering of an image between plurality of image processing system (co1.1, paragraph 0014, lines 16-20).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Morimoto

(358), by the teaching of Beek '665', and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image processing and coding of digital device can be similarly employed to accomplish this desired result without depending from the teaching of the present invention, for the purpose of providing the ability to progressively access the encoded image in a smooth continuous fashion with having to download, decode, and/or print the entire file, as suggested by Beek '665, in co1.1, paragraph OOO5).

With respect to claim 4, Morimotot et al. discloses or teaches an image processing system which can code image data, form a JPEG2000 file, and transmit the JPEG2000 file to a plurality of destinations, (a digital camera comprises a image processing system 13 of fig 1, JPEG processing part 25 as shown in fig 1) comprising: a relator which relates a plurality of regions preset in the image data to destinations (image combining means 31 of fig 2, col.6, lines20-25); and a transmitter (DMA controller 24 of fig 1, controllers data transfer between processor circuit 13 and main memory 26, col.5, lines 65 through col.6, lines 1-5) which transmits the JPEG2000 file processed by the replacer to the destinations (col.5, lines 5, lines 65, and col.6, lines 1-5).

However, Morimoto (358), dose not specifically teach a data amount reducer which reduces a data amount of code data constituting one of regions corresponding to the destinations or the other regions in the JPEG2000 file transmitted to the destinations

But, Beek '665' in the same area of image data accessing and processing

system, a data amount reducer which reduces a data amount of code data constituting

one of regions corresponding to the destinations or the other regions in the JPEG2000

file transmitted to the destinations (co1.1, paragraph 0014, lines 16-20).

Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified the imaging apparatus of Morimoto

(358), by the teaching of Beek '665', and therefore, it should be clear to one skilled in

the art that anyone of a wide variety of image processing and coding of digital device

can be similarly employed to accomplish this desired result without depending from the

teaching of the present invention, for the purpose of providing the ability to progressively

access the encoded image in a smooth continuous fashion with having to download,

decode, and/or print the entire file, as suggested by Beek '665, in co1.1, paragraph

OOO5).

With respect to claim 5, Morimotot '358' discloses digital camera comprises a

image processing system 13 of fig 1, JPEG processing part 25 as shown in fig 1),

wherein the data amount of the code data reduced from the regions by the data amount

reducer can be set for the respective destinations and the regions, (col.2, lines 10-15).

With respect to claim 6, Morimotot '358' discloses digital camera comprises a

image processing system 13 of fig 1, JPEG processing part 25 as shown in fig 1),

wherein different color components are added to the regions preset in the image data,

respectively, and the image processing system comprises a color component detector
which detects the color components to recognize the regions, (col.2, lines 10-15).

With respect to claim 7, Morimotot '358' discloses digital camera comprises a
image processing system 13 of fig 1, JPEG processing part 25 as shown in fig 1), which
are common to the plurality of destinations, are simultaneously transmitted, and only
different code data is transmitted to the destinations (co1.1, paragraph 0014, lines 16-
2O).

However, Morimoto (358), dose not specifically teaches wherein the code data in
the JPEG2000 file. But, Beek '665' in the same area of image data accessing and
processing teaches using JPEG2000 file format similarly used or intended to having
image description format for rendering of an image between plurality of image
processing system (co1.1, paragraph 0014, lines 16-20).

Therefore, it would have been obvious to a person with ordinary skill in the art at
the time the invention was made to have modified the imaging apparatus of Morimoto
(358), by the teaching of Beek '665', and therefore, it should be clear to one skilled in
the art that anyone of a wide variety of image processing and coding of digital device
can be similarly employed to accomplish this desired result without depending from the
teaching of the present invention, for the purpose of providing the ability to progressively
access the encoded image in a smooth continuous fashion with having to download,
decode, and/or print the entire file, as suggested by Beek '665, in co1.1, paragraph
0005).

With respect to claim 9, An image processing method for coding image data, forming a JPEG2000 file, and transmitting the JPEG2000 file to a plurality of destinations, the method comprising steps of: relating a plurality of regions preset in the image data to destinations; replacing code data constituting one of regions corresponding to the destinations or the other regions with code data which make pieces of information included in the regions invisible in the JPEG2000 file transmitted to the destinations; and transmitting the processed JPEG2000 file to the destinations.

With respect to claim 8, Morimotot et al. discloses or teaches an image processing method for coding image data, form a JPEG2000 file, and transmit the JPEG2000 file to a plurality of destinations, (a digital camera comprises a image processing system 13 of fig 1, JPEG processing part 25 as shown in fig 1) comprising: a relator which relates a plurality of regions preset in the image data to destinations (image combining means 31 of fig 2, col.6, lines20-25); a replacer (CPU 27 of fig 2), which replaces code data constituting one of regions corresponding to the destinations or the other regions with code data which make pieces of information included in the regions invisible in the JPEG2000 file transmitted to the destinations (col.5, lines 65 through col.6, lines 1-5); and a transmitter (DMA controller 24 of fig 1, controllers data transfer between processor circuit 13 and main memory 26, col.5, lines 65 through col.6, lines 1-5) which transmits the JPEG2000 file processed by the replacer to the destinations (col.5, lines 5, lines 65, and col.6, lines 1-5).

However, Morimoto (358), dose not specifically teach using JPEG2000 file

format. But, Beek '665' in the same area of image data accessing and processing

teaches using JPEG2000 file format similarly used or intended to having image

description format for rendering of an image between plurality of image processing

system (co1.1, paragraph 0014, lines 16-20).

Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified the imaging apparatus of Morimoto

(358), by the teaching of Beek '665', and therefore, it should be clear to one skilled in

the art that anyone of a wide variety of image processing and coding of digital device

can be similarly employed to accomplish this desired result without depending from the

teaching of the present invention, for the purpose of providing the ability to progressively

access the encoded image in a smooth continuous fashion with having to download,

decode, and/or print the entire file, as suggested by Beek '665, in co1.1, paragraph

OOO5).

With respect to claim 9, Morimotot et al. discloses or teaches an image

processing system method for coding image data, form a JPEG2000 file, and transmit

the JPEG2000 file to a plurality of destinations, (a digital camera comprises a image

processing system 13 of fig 1, JPEG processing part 25 as shown in fig 1) comprising: a

relator which relates a plurality of regions preset in the image data to destinations

(image combining means 31 of fig 2, col.6, lines20-25); and a transmitter (DMA

controller 24 of fig 1, controllers data transfer between processor circuit 13 and main

memory 26, col.5, lines 65 through col.6, lines 1-5) which transmits the JPEG2000 file

processed by the replacer to the destinations (col.5, lines 5, lines 65, and col.6, lines 1-5).

However, Morimoto (358), dose not specifically teach a data amount reducer which reduces a data amount of code data constituting one of regions corresponding to the destinations or the other regions in the JPEG2000 file transmitted to the destinations

But, Beek '665' in the same area of image data accessing and processing system, a data amount reducer which reduces a data amount of code data constituting one of regions corresponding to the destinations or the other regions in the JPEG2000 file transmitted to the destinations (co1.1, paragraph 0014, lines 16-20).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Morimoto (358), by the teaching of Beek '665', and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image processing and coding of digital device can be similarly employed to accomplish this desired result without depending from the teaching of the present invention, for the purpose of providing the ability to progressively access the encoded image in a smooth continuous fashion with having to download, decode, and/or print the entire file, as suggested by Beek '665, in co1.1, paragraph 0005).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NEGUSSIE WORKU whose telephone number is

(571)272-7472. The examiner can normally be reached on 9A-6PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Examiner, Art Unit 2625